

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.1112 OF 2019**

Miguel Cardozo,
Major of age, Indian National,
r/o. House No.637, Passagem, Assolna,
Salcete, Goa,
Through his POA Holder Mrs. Paulina
Cardozo, r/o. House No.637,
Passagem, Assolna,
Salcete, Goa.

.... Petitioner.

V/s.

1. State of Goa,
Through the Chief Secretary,
Government of Goa,
Office at Secretariat,
Porvorim, Bardez – Goa.
2. The Ministry of Environment,
Forests and Climate Change,
Through the Director Government
of India, CRZ Infrastructure and
Building Construction,
Paryavaran Bhavan, CGO Complex,
Lodhi Road, New Delhi.
3. Goa Coastal Zone Management
Authority, Office at Pandit Deendayal
Upadhyay Bhavan, Pundalik Nagar,
Porvorim, Goa.

4. M/s. Mehdad,
 TC 45/421, Naduvila Purayidom,
 Beemapalli Village, Valkadavu,
 P.O. Trivandrum, Kerala – 695008. Respondents

Mr. Shivan Desai with Mr. Aniroodh C. V. Sardesai, Advocates for the petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the respondents no. 1 and 3.

**Coram : M. S. SONAK &
 SMT. M.S. JAWALKAR, JJ.**

Date : 18th December, 2019.

Oral Order: (Per M.S. Sonak, J.) :

Heard Mr. Desai, the learned Counsel for the petitioner and Mr. D. Pangam, the learned Advocate General with Ms. Maria Correia, Additional Government Advocate for the respondents no. 1 and 3.

2. The challenge in this petition is to the communication dated 28.9.2019 issued by the Goa Coastal Zone Management Authority (GCZMA), denying the petitioner permission to reconstruct his residential house. The Impugned Order notes that as per the Order dated 22.11.2017 passed in certain Original

Applications No.424/2016 and 11/2014 by the National Green Tribunal (NGT) , the GCZMA is not in a position to grant the permission.

3. Mr. Desai, the learned Counsel for the petitioner points out that the GCZMA is not correctly interpreting the orders made by NGT to the said original applications. He submits that in any case the orders ought not to apply to the case of the petitioner who is only interested in reconstructing the existing house. On these grounds Mr. Desai submits that the impugned communication warrants interference and necessary direction is required to GCZMA to consider and to grant the petitioner permission for the reconstruction of the structure of his residential house.

4. Mr. D. Pangam, the learned Advocate General points out that the impugned communication dated 21.8.19 is itself appealable to the NGT. In any case, he points out that the GCZMA has only followed the orders of NGT which has restrained the GCZMA from granting any fresh permission until the Coastal Zone Management Plan is prepared. The learned Advocate General states that even irrespective of the orders of NGT as a policy is not granting any fresh permissions until the finalization of the Coastal Zone Management Plan.

5. According to us, notwithstanding the phraseology employed by the petitioner in the prayer clause to this petition, in fact the petitioner seeks modification of the orders made by the NGT. In these circumstances, it will be only appropriate that the petitioner seeks his remedy before the NGT itself. For this reason we decline to entertain the present petition but if the petitioner desires, is at liberty to take up appropriate proceedings before the NGT in relation to his grievance.

6. Mr. Desai, the learned Counsel for the petitioner points out that since the NGT is with larger issue it does not get any expeditious relief in the matter. According to us, the petitioner makes out the case for grant of expeditious relief by setting proper reasons, we are sure that the case of the petitioner for expeditious hearing will be considered by the NGT.

7. Accordingly, we dismiss this petition but with liberty as aforesaid.

8. All contentions of the parties are expressly left open.

SMT. M.S. JAWALKAR, J. M. S. SONAK, J.

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